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4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON
6 AT SEATTLE

7 IN RE: PHENYLPROPANOLAMINE
8 (PPA) PRODUCTS LIABILITY
9 LITIGATION,

MDL NO. 1407

10 This document relates to all
11 actions

ORDER STRIKING MOTIONS
FOR REMAND TO STATE
COURT AND MOTIONS TO
DISMISS PURSUANT TO FRCP
12(b)(6) OR FOR A MORE
DEFINITE STATEMENT
PURSUANT TO FRCP 12(e)

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14 It appearing to the Court that there are outstanding
15 motions for remand to state court, and motions to dismiss pursu-
16 ant to Federal Rule of Civil Procedure ("FRCP") 12(b)(6) or for a
17 more definite statement pursuant to FRCP 12(e), the Court rules
18 as follows:

19 The Court recently issued a number of orders dismissing
20 cases or claims for failure to comply with court-ordered discov-
21 ery, or for alleging solely cardiac injuries. Therefore, the
22 Court is of the opinion that many of the outstanding motions for
23 remand to state court and motions to dismiss or for a more
24 definite statement are now moot.

25 The Court therefore ORDERS all motions for remand to state
26 court and motions to dismiss pursuant to FRCP 12(b)(6) or for a

1 more definite statement pursuant to FRCP 12(e) pending at the
2 time of entry of this Order to be STRICKEN. Where appropriate,
3 parties may re-file within 10 days of entry of this Order.

4 With respect to motions for remand to state court, counsel
5 are urged to consider whether to re-file such motions, given the
6 Court's ruling on similar motions to remand.

7 With respect to motions to dismiss or for a more definite
8 statement, counsel are encouraged, where possible, to file a
9 single motion seeking dismissal of the claims of all plaintiffs
10 whom defendants believe should be dismissed on similar grounds,
11 or from whom defendants would like a more definite statement.

12 DATED at Seattle, Washington this 17th day of November,
13 2003.

14 /s/ Barbara Jacobs Rothstein

15 BARBARA JACOBS ROTHSTEIN
16 UNITED STATES DISTRICT JUDGE
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